

**ALEX R. KESSEL, ESQ. (State Bar No. 110715)**

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**Attorney for Defendant,**

**CAROLINE HERRLING**

**UNITED STATES DISTRICT COURT**

**FOR THE CENTRAL DISTRICT OF CALIFORNIA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**CAROLINE HERRLING,**

**Defendant.**

**CASE NO.: 2:23-cr-00059-MEMF**

**EX PARTE APPLICATION FOR  
CONTINUANCE OF SENTENCING  
HEARING; PROPOSED ORDER**

**Current Hearing Date: February 9, 2024**

**Current Hearing Time: 3:00 p.m.**

**Proposed Hearing Date: March 15, 2024**

**Proposed Hearing Time: 2:00 p.m.**

Defendant CAROLINE HERRLING, individually and by and through her attorney of record, Alex R. Kessel, submits this ex parte application for a continuance of the sentencing hearing currently set for February 9, 2024, at 3:00 p.m. The grounds for the continuance are as follows:

1. Defense counsel is currently engaged in trial in the matter of *People v. James Birth*, Case No. TA157373 in Department G of the Los Angeles County Superior Court, Compton Courthouse. The defendant is charged with murder and conspiracy to commit murder. We are currently in jury selection. The Court is under time constraints to finish the trial by February 15, 2024, before the Court goes on vacation.

1 The Court will be in session every court day before February 15, 2024, from 9:30  
2 a.m. to 4:30 p.m. The Court needs everyday from now to February 15, 2024 to finish  
3 the case, especially since Monday, February 12, 2024 is a dark day for the state  
4 holiday.  
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- 6 2. Counsel needs more time to prepare and file defendant's reply to the government's  
7 sentencing position papers.  
8 3. Defendant submits there are multiple contested issues to be considered by the Court  
9 and estimates the sentencing hearing in this matter to last two to three hours.  
10 4. Defendant concurs with this requested continuance.  
11 5. Although the assigned Assistant United States Attorney, Andrew Brown, opposes this  
12 request to continue, he did inform the Court that he is available for a sentencing  
13 hearing on March 15, 2024.  
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15 Based on the foregoing, counsel for defendant respectfully requests that the currently  
16 scheduled sentencing date be continued from February 9, 2024, at 3:00 p.m., to March 15, 2024,  
17 at 2:00 p.m.  
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19 DATED: February 5, 2024  
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Respectfully submitted,

s/ Alex R. Kessel

21 ALEX R. KESSEL  
22 Attorney for Defendant,  
23 **CAROLINE HERRLING**  
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